

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:10CV261

GEORGE WATTS,

Plaintiff,

vs.

NATIONAL CITY MORTGAGE, A  
DIVISION OF NATIONAL CITY BANK,  
and SUBSTITUTE TRUSTEE SERVICE,  
INC., Substitute Trustee,

Defendants.

ORDER

This matter is before the court upon Defendant PNC Bank, National Association's ("PNC") Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, filed July 2, 2010. PNC is the successor by merger to National City Mortgage. The Plaintiff has failed to file a response in opposition to the motion.

Plaintiff's Complaint seeks declaratory and injunctive relief, alleging that Defendant PNC failed to comply with all the conditions precedent of the Home Affordable Modification Program ("HAMP"). As PNC correctly argues in its motion, however, no private right of action exists under HAMP. *See Dugger v. Bank of America/Countrywide Loans*, 2010 WL 3258383 (E.D. Mo. Aug. 16, 2010); *Marks v. Bank of America, N.A.*, 2010 WL 2572988 (D. Ariz. June 22, 2010) Accordingly,

IT IS THEREFORE ORDERED that Defendant PNC's Motion to Dismiss is hereby GRANTED.

Signed: September 20, 2010



Graham C. Mullen  
United States District Judge

